

2005 DRAFTING REQUEST

Bill

Received: **12/15/2004**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Statz**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Bus. Assn. - corporations**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Statz, BB0316 -

Topic:

Increase foreign corporation annual report filing fee

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	csundber 12/21/2004	wjackson 12/21/2004	pgreensl 12/22/2004		sbasford 12/22/2004		State
/2	csundber 01/04/2005	wjackson 01/04/2005	chaugen 01/04/2005		mbarman 01/04/2005		

FE Sent For:

<END>

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/?	csundber	1 wlj 12/21	12/23 PS	12/23 PS			

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Foreign corporation filing fee
- Tracking Code: BB0316
- SBO team: ECR
- SBO analyst: Andrew J. Statz
 - Phone: 266-7329
 - Email: andrew.statz@doa.state.wi.us
- Agency acronym: DFI
- Agency number: 144



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: December 15, 2004

To: Steve Miller, Chief
Legislative Reference Bureau

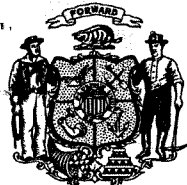
From: Andrew J. Statz, Analyst *AS*
State Budget Office

Subject: Budget draft request relating to the foreign corporation annual report filing fee

I am requesting statutory language be drafted for inclusion with the 2005-07 biennial budget bill.

The draft will increase the Department of Financial Institution's foreign corporation annual report filing fee under s.180.0122(1)(w) from \$2 for each \$1,000 of excess capital to \$3.

If you have any questions, please contact me at andrew.statz@doa.state.wi.us or 266-7329.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1255/1

CTS:.....

WJ

DOA:.....Statz, BB0316 - Increase foreign corporation annual report filing fee ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

DN

DO NOT GEN

1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT ✓

BUSINESS ORGANIZATIONS AND FINANCIAL INSTITUTIONS ✓

This bill increases a fee DFI charges to a foreign corporation when the corporation files its annual report. Under current law, a foreign corporation doing business in this state must, when filing its annual report, pay a fee of \$2 for every \$1,000 of capital employed in this state for which the corporation has not already paid a fee (excess capital). This bill increases the fee to \$3 for every \$1,000 of excess capital.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 180.0122 (1) (y) of the statutes is amended to read:

3 180.0122 (1) (y) Annual report of a foreign corporation, \$65, and in case the
4 annual report shows that the foreign corporation employs in this state capital in

1 excess of the amount of capital on which a fee has previously been paid, computed
2 as provided in s. 180.1503, an additional fee which, with previous payments made
3 on account of capital employed in this state, will amount to \$2 ~~\$3~~ for each \$1,000 or
4 fraction thereof of the excess.

History: 1989 a. 303; 1991 a. 16, 269; 1993 a. 214, 323, 331; 1995 a. 27, 271; 1997 a. 27; 2001 a. 16, 44.

5 **SECTION 9317. Initial applicability; financial institutions.** ✓

6 (1) FOREIGN CORPORATION ANNUAL REPORT FEES. The treatment of section
7 180.0122 (1) (y) of the statutes first applies to annual reports due under section
8 180.1622 of the statutes after the effective date of this subsection.
9

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1255/1dn

CTS:.....

Wlj

Andrew Statz:

This draft increases a fee under s. 180.0122 (1) (y), which a foreign corporation may be required to pay when filing an annual report. There is a similar fee under s. 180.0122 (1) (w), which a foreign corporation may be required to pay when applying for a certificate of withdrawal. Both fees are presently computed as \$2 for every \$1,000 of excess capital; this draft raises the fee associated with the annual report to \$3 per \$1,000 of excess capital. Do you want to similarly increase the fee associated with the certificate of withdrawal?

Under s. 180.1622 (3) (b), a foreign corporation's annual report is due in the first calendar quarter of each year. I have included an initial applicability provision, the result of which is that the increased fee will apply to annual reports due in the first calendar quarter after the budget's effective date. The increased fee will not apply to overdue annual reports filed after the budget's effective date. Is this okay?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1255/1dn
CTS:wlj:pg

December 22, 2004

Andrew Statz:

This draft increases a fee under s. 180.0122 (1) (y), which a foreign corporation may be required to pay when filing an annual report. There is a similar fee under s. 180.0122 (1) (w), which a foreign corporation may be required to pay when applying for a certificate of withdrawal. Both fees are presently computed as \$2 for every \$1,000 of excess capital; this draft raises the fee associated with the annual report to \$3 per \$1,000 of excess capital. Do you want similarly to increase the fee associated with the certificate of withdrawal?

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Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

Sundberg, Christopher

From: Statz, Andrew
Sent: Wednesday, December 29, 2004 5:28 PM
To: Sundberg, Christopher
Subject: FW: LRB Draft: 05-1255/1 Increase foreign corporation annual report filing fee



05-1255/1



05-1255/1dn

Based on feedback from DFI, please extend the treatment of this draft to include 180.122(1)(w) for withdrawals.

In response to your drafter's note: Yes, it is OK that the fee increase does not apply to overdue filings.

Thanks.

-----Original Message-----

From: Greenslet, Patty [mailto:Patty.Greenslet@legis.state.wi.us]
Sent: Wednesday, December 22, 2004 1:45 PM
To: Statz, Andrew
Cc: Grinde, Kirsten; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica
Subject: LRB Draft: 05-1255/1 Increase foreign corporation annual report filing fee

Following is the PDF version of draft 05-1255/1.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1255/A

CTS: [initials]

WLj

DOA:.....Statz, BB0316 - Increase foreign corporation annual report filing fee

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

TODAY please

or applies for a certificate of withdrawal (which withdraws authority for the corporation to transact business in this state)

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

BUSINESS ORGANIZATIONS AND FINANCIAL INSTITUTIONS

This bill increases a fee DFI charges to a foreign corporation when the corporation files its annual report. Under current law, a foreign corporation doing business in this state must, when filing its annual report, pay a fee of \$2 for every \$1,000 of capital employed in this state for which the corporation has not already paid a fee (excess capital). This bill increases the fee to \$3 for every \$1,000 of excess capital.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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3 180.0122 (1) (y) Annual report of a foreign corporation, \$65, and in case the

4 annual report shows that the foreign corporation employs in this state capital in

INS 1-1

INS A-1

1 excess of the amount of capital on which a fee has previously been paid, computed
2 as provided in s. 180.1503, an additional fee which, with previous payments made
3 on account of capital employed in this state, will amount to \$2 ~~\$3~~ for each \$1,000 or
4 fraction thereof of the excess.

5 **SECTION 9317. Initial applicability; financial institutions.**

6 **FOREIGN CORPORATION ANNUAL REPORT FEES** The treatment of section
7 180.0122 (1) (y) of the statutes first applies to annual reports due under section
8 180.1622 of the statutes after the effective date of this subsection.

9 (END)

INS 2-6

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1255/2ins
CTS: *ma*

Insert A-1:

No ff

Also under current law, a foreign corporation doing business in this state must, when applying for a certificate of withdrawal, pay a \$2 fee for every \$1,000 of excess capital.

Insert 1-1:

SECTION ~~#~~ 180.0122 (1) (w) of the statutes is amended to read:

180.0122 (1) (w) Application for certificate of withdrawal, \$40, and in case that application shows that the foreign corporation employs in this state capital in excess of the amount of capital on which a fee has previously been paid, computed as provided in s. 180.1520 (2) (f), an additional fee which, with previous payments made on account of capital employed in this state, will amount to \$2 \$3 for each \$1,000 or fraction thereof of the excess.

History: 1989 a. 303; 1991 a. 16, 269; 1993 a. 214, 323, 331; 1995 a. 27, 271; 1997 a. 27; 2001 a. 16, 44.

Insert 2-6:

INIT APP

→ (1) CERTIFICATE OF WITHDRAWAL FEE. The treatment of section 180.0122 (1) (w) of the statutes first applies to applications for certificates of withdrawal filed after the effective date of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1255/2dn

CTS: ~~WMA~~

Wlj

Andrew Statz:

In this redraft, I have added an increase to the fee for excess capital charged when a foreign corporation applies for a certificate of withdrawal. Please let me know if you have any questions or if you would like to make any changes.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1255/2dn

CTS:wlj:ch

January 4, 2005

Andrew Statz:

In this redraft, I have added an increase to the fee for excess capital charged when a foreign corporation applies for a certificate of withdrawal. Please let me know if you have any questions or if you would like to make any changes.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1255/2

CTS:wlj:ch

DOA:.....Statz, BB0316 - Increase foreign corporation annual report filing fee

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

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This bill increases fees DFI charges to a foreign corporation when the corporation files its annual report or applies for a certificate of withdrawal (which withdraws authority for the corporation to transact business in this state). Under current law, a foreign corporation doing business in this state must, when filing its annual report, pay a fee of \$2 for every \$1,000 of capital employed in this state for which the corporation has not already paid a fee (excess capital). Also under current law, a foreign corporation doing business in this state must, when applying for a certificate of withdrawal, pay a \$2 fee for every \$1,000 of excess capital. This bill increases both fees to \$3 for every \$1,000 of excess capital.

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SECTION 9317. Initial applicability; financial institutions.

(1) **CERTIFICATE OF WITHDRAWAL FEE.** The treatment of section 180.0122 (1) (w) of the statutes first applies to applications for certificates of withdrawal filed after the effective date of this subsection.

(2) FOREIGN CORPORATION ANNUAL REPORT FEE. The treatment of section 180.0122 (1) (y) of the statutes first applies to annual reports due under section 180.1622 of the statutes after the effective date of this subsection.

(END)